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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

FITBIT, INC.

Plaintiff,

v.

ALIPHCOM d/b/a JAWBONE and  
BODYMEDIA, INC.

Defendants.

Case No: 3:17-CV-1139-WHO

**JOINT MOTION TO EXTEND PRE-  
MARKMAN DEADLINES**

Judge: Hon. William H. Orrick  
Date Transferred: Mar. 6, 2017

On August 1, 2017, the parties filed a joint request for a 30-day extension of the parties' previously proposed pre-Markman deadlines to provide AliphCom (assignment for the benefit of creditors) LLC ("Assignee") additional time to familiarize itself with the case (Dkt. 51). The court granted that request on August 4, 2017 and set a Tutorial for February 16, 2017 and a *Markman* hearing for February 23, 2017.

Since then, counsel for Defendants Aliphcom d/b/a Jawbone and BodyMedia, Inc. ("Jawbone") has filed a motion to withdraw as counsel, and the hearing is set for September 20, 2017. (Dkt. 53). Therefore, Jawbone has requested and plaintiff Fitbit, Inc. ("Fitbit") does not oppose extending the pre-*Markman* deadlines set forth in this Court's August 4, 2017 Order by two weeks, until after the hearing on the Motion to Withdraw. Jawbone's proposal does not affect any filing dates or hearings involving the Court, other than the filing of the Joint Claim Construction and Prehearing Statement; deadlines for claim construction briefing and the court-set Tutorial and *Markman* hearing dates remain the same. This is the second requested amendment to the Court's schedule. The proposed schedule, which Fitbit does not oppose, is set forth below:

Event	Current Deadline	Proposed New Deadline
Serve Invalidity Contentions and produce accompanying documents (Patent L.R. 303 and 3-4)	September 11, 2017	September 25, 2017
Exchange of Proposed Terms for Construction (Patent L.R. 4-1)	September 25, 2017	October 9, 2017
Exchange of Preliminary Claim Construction and Extrinsic Evidence	October 13, 2017	October 27, 2017
Serve Damages Contentions (Patent L.R. 3-8)	October 30, 2017	November 13, 2017
File Joint Claim Construction and Prehearing Statement (Patent L.R. 4-3)	November 10, 2017	November 22, 2017

Serve Responsive Damages Contentions (Patent L.R. 3-9)	December 1, 2017	December 15, 2017
Completion of Claim Construction Discovery (Patent L.R. 4-4)	December 8, 2017	December 22, 2017
File Opening Claim Construction Brief (Patent L.R. 4-5)	January 5, 2018	Unchanged
File Responsive Claim Construction Brief (Patent L.R. 4-5)	January 19, 2018	Unchanged
File Reply Claim Construction Brief (Patent L.R. 4-5)	January 26, 2018	Unchanged
Claim Construction Tutorial	<b>February 16, 2018</b>	Unchanged
Claim Construction Hearing	<b>February 23, 2018</b>	Unchanged

Dated: September 12, 2017

By: /s/ Frederick S. Chung

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By: /s/ Carolyn Chang

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**ATTESTATION IN CONCURRENCE OF FILING**

In accordance with the Northern District of California's General Order No. 45, Section X.(B), I, Carolyn Chang, attest that concurrence in the filing of this document has been obtained from each of the other signatories who are listed on the signature pages.

Dated: September 12, 2017

By: /s/ Carolyn Chang  
Carolyn Chang

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2017, I caused to be electronically filed the foregoing Joint Motion to Extend Pre-Markman Deadlines with the Clerk of the Court via CM/ECF. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing systems.

Dated: September 12, 2017

By: /s/ Carolyn Chang  
Carolyn Chang

1  
2 **[PROPOSED] ORDER**  
3 **PURSUANT TO STIPULATION, IT IS SO ORDERED**  
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5 Dated: \_\_\_\_\_, 2017  
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7  
8 By: \_\_\_\_\_  
9 **WILLIAM H. ORRICK**  
10 **UNITED STATES DISTRICT JUDGE**  
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